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TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, [redacted] 1923

No. [redacted]38

STEAMSHIP "GUL DJEMAL," HER ENGINES, BOILERS, &c.; HUSSEIN LUTFI BEY, MASTER, APPELLANT,

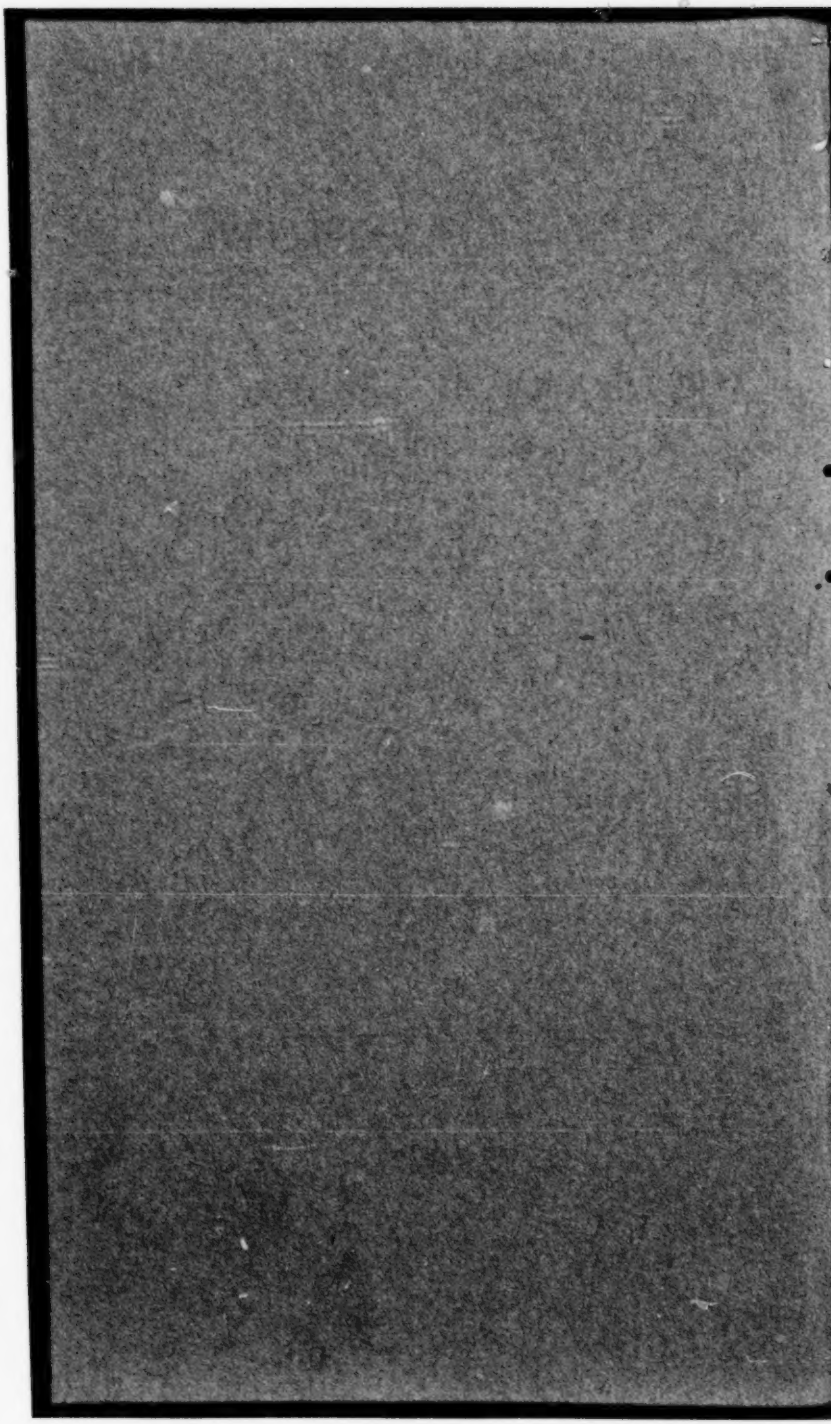
vs.

CAMPBELL & STUART, INC.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

FILED JULY 31, 1923.

(29,042)



(29,042)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1922.

No. 492.

STEAMSHIP "GUL DJEMAL," HER ENGINES, BOILERS, &c.; HUSSEIN LUTFI BEY, MASTER, APPELLANT,

vs.

CAMPBELL & STUART, INC.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

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JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., MARCH 26, 1923.

SUPREME COURT OF THE UNITED STATES.

CAMPBELL & STUART, INC.,
Libellant-Appellee,

vs.

Steamship "GUL DJEMAL", her engines, boilers, etc., HUSSEIN LUTFI BEY, Master,
Claimant-Appellant.

Statement.

1920		
Dec.	15th,	Filed libel, Monition issued, returnable December 27th, 1920.
"	27th,	Filed monition, Vessel attached December 16th, 1920.
"	27th,	Filed order allowing filing of special claim.
"	27th,	Filed Special Claim, Exception to Writ and Special Plea in abatement.
1921		
Feb.	10th,	Filed exception to special claim.
"	11th,	Filed Notice of Motion for release.
"	19th,	Filed order denying motion for release.

4	April 25th,	Filed stipulation for value.
	Nov. 19th,	Filed claim of Hussein Lutfi Bey, Master of Steamship GUL DJEMAL.
		Filed answer.
		Filed stipulation of facts.
	" 21st,	Filed notice of trial.
	1922	
	Jan. 9th,	Filed opinion, Knox, D. J., Decree for libellant signed.
	" "	Filed decree for libellant with reference to Herbert Green.
	April 19th,	Filed final decree and bill of costs.
5	June 26th,	Filed petition for appeal and allowance.
	" "	Filed assignment of errors.
	" "	Filed certificate of Knox, D. J.

Libel.

To the Honorable the Judges of the District Court of the United States for the Southern District of New York, Sitting in Admiralty.

6 The libel and complaint of CAMPBELL & STUART, INC., a corporation duly organized and existing under the laws of the State of New York against the S.S. *Gul Djemal,* whereof Hussein Lutfi is master, now lying in port at New York, her tackle, furniture, engines, boilers, etc., in a cause of contract, civil and maritime, alleges as follows:

FIRST: That the S. S. *Gul Djemal* in the month of November, 1920, at the time of the making of the repairs and furnishing of the supplies hereinafter set forth being in

the port of New York within the admiralty and maritime jurisdiction of this Honorable Court, and standing in need of certain repairs and supplies to render her fit and seaworthy for her intended voyage in and upon the Atlantic Ocean, the libelant at the request of said Hussein Lutfi, the master of the said vessel, furnished the materials and made the repairs, the particulars whereof are set forth in a schedule hereto annexed and made a part hereof, and marked "Schedule A". 7

SECOND: That the libelant, during the said month of November, 1920, repaired and tested the boilers and fire hose of said Steamship, and furnished her with certain material, to wit: fresh water, and labor in connection with the making of said repairs, the particulars of which supplies and repairs fully appear in said "Schedule A", hereto annexed, amounting in the whole to the sum of Three Hundred and Seventy-five dollars and fifty cents ($375.50). 8

THIRD: That the said supplies and labor and materials furnished were necessary for the said Steamship, and that the supplies were furnished and work done on her credit as well as of her owners and master, and the said libelant claims a maritime lien on said Steamship, her tackle, apparel, furniture, etc., for the payment of the said sum under the Federal Statute entitled "An Act Relating to Liens on Vessels for Necessaries, Supplies or Other Necessities," approved June 23, 1910. 9

FOURTH: That said Steamship is a foreign vessel belonging, as libelant is informed and verily believes, to the

10 port of Piraeus, Greece, and that neither the master of said Steamship or her owners have ever paid to your libelant said sum of money or any part thereof, but have hitherto wholly neglected and refused so to do, although payment of said sum has been duly demanded by your libelant.

FIFTH: That all and singular the premises are true, and within the admiralty and maritime jurisdiction of this Honorable Court, and that said Steamship is now in the port of New York in the Southern District of New
11 York.

WHEREFORE, the libelant prays that process of attachment in due form of law, according to the course of this Honorable Court in causes of admiralty and maritime jurisdiction, may issue against the said S. S. *Gul Djemal*, her tackle, apparel, furniture, engines, boilers and machinery, and that the said Hussein Lutfi, Master, and all other persons having or pretending to have any right, title or interest in said Steamship, may be cited to appear and answer all and singular the matters aforesaid, and that said steamer may be condemned and sold to pay the
12 demands and claims aforesaid with interest and costs, and that the libelant may have such other and further relief as in law and justice it may be entitled to receive.

BARKER, DONAHUE, ANDERSON & WYLIE,
Proctors for Libelant,
O. & P. O. Address,
27 William Street,
Borough of Manhattan,
New York City.

STATE OF NEW YORK,
County of New York, } ss.: 13

JAMES P. STUART, being duly sworn, deposes and says that he is the Vice President of CAMPBELL & STUART, INC., the libelant in the above named libel, and that the foregoing libel is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters, he believes it to be true.

Deponent further says that the reason why this verification is not made by the libelant, is that it is a corporation; that this deponent is an officer of the same, to wit: 14
its Vice President, and that the seal affixed to the said libel is the corporate seal of the said corporation, and was affixed thereto by authority of said corporation; and that deponent signed the said libel as such Vice President by like authority; and that the grounds of deponent's belief as to all matters in said libel not therein stated upon his knowledge, are as follows: to wit:—Information obtained from the records and books of account of said libelant.

JAMES P. STUART. 15

Subscribed and sworn to before me
this 15th day of December, 1920.
EDNA K. BLACK,
Notary Public,
Residing in Kings County,
Certificate Filed in New York Co.
Clerk's No. 105, Register's No. 1231.
Commission expires Mar. 30, 1921.

16

"SCHEDULE A"

S. S. "GUL DJEMAL"

In Account with
CAMPBELL & STUART, INC.

1920		
Nov. 1.	To Fresh Water Supplied:	
	125 tons at 45c per ton.....	$56.25
	4 hours detention at $15.00 per hour	
17	waiting to pump out tanks.....	60.00
Nov. 5.	To Fresh Water Supplied:	
	Testing 3 boilers at $25.00 each.....	75.00
	65 tons of water at 45c per ton.....	29.25
	4 hours detention at $15.00 per hour...	60.00
Nov. 8.	To Fresh Water Supplied:	
	Testing 2 boilers at $25.00 each.....	50.00
	Testing Fire Hose	15.00
	2 hours detention at $15.00 per hour...	30.00
		$375.50

18

19

Monition.

SOUTHERN DISTRICT OF NEW YORK, ss.:

THE PRESIDENT OF THE UNITED STATES OF AMERICA, To the Marshal of the Southern District of New York, Greeting: Whereas, a Libel hath been filed in the DISTRICT COURT OF THE UNITED STATES for the Southern District of New York, on the 15th day of December in the year of our Lord one thousand nine hundred and twenty by

20

CAMPBELL & STUART, INC.,

against

Steamship "GUL DJEMAL"

in a cause, civil and maritime, for damages for breach of contract for $375.00, for the reasons and causes in the said libel mentioned, and praying the usual process or monition of the said Court in that behalf to be made, and that all persons interested in the said steamship or vessel, her tackle, &c., may be cited in general and special to answer the premises, and all proceedings being had that 21
the said steamship or vessel, her tackle, &c., may for the causes in the said petition mentioned be condemned and sold to pay the demands of the Libellant.

YOU ARE THEREFORE HEREBY COMMANDED to attach the said steamship or vessel, her tackle, &c., and to detain the same in your custody until the further order of the Court respecting the same, and to give due notice to all persons claiming the same, or knowing or having anything to say

22 why the same should not be condemned and sold pursuant to the prayer of the said libel, that they be and appear before the said Court, to be held in and for the Southern District of New York, on the 27th day of December, 1920, at 10.30 o'clock in the forenoon of the same day, if the same shall be a day of jurisdiction, otherwise on the next day of jurisdiction thereafter, then and there to interpose a claim for the same, and to make their allegations in that behalf. And what you shall have done in the premises, do you then and there make return thereof, together with this writ.

23

WITNESS, the HON. LEARNED HAND, Judge of the said Court, at The City of New York, in the Southern District of New York, this 15th day of December in the year of our Lord one thousand nine hundred and twenty and of our Independence the one hundred and forty-fifth.

ALEX. GILCHRIST, JR.,
Clerk.

BARKER, DONOHUE, ANDERSON & WYLIE,
Proctors for Libellant.

24

District Court of
the United States
Southern District of N. Y.
SEAL

In obedience to the within Monition I attached the Steamship GUL DJEMAL, her engines, &c., therein described, on the 16th day of December, 1920, and have given due notice by proof of publication hereto annexed to all persons claiming the same, that this Court will on the 27 day of December, 1920, inst. (if that day shall be a day of jurisdiction, if not, on the next day of jurisdiction thereafter) proceed to the trial and condemnation thereof, should no claim be interposed for the same. 25

THOMAS D. McCARTHY,
U. S. Marshal.

Dated December 27th, 1920. 26

27

28

Order allowing filing of Special Claim and Exceptions to Writ without Stipulation for Costs, for a Stay, &c.

At a Stated Term of the District Court of the United States for the Southern District of New York, held in the Court Rooms thereof, U. S. Post Office Building, in the Borough of Manhattan, City of New York, on the 26 day of January, 1921.

Present—

29

HONORABLE JOHN C. KNOX,
United States District Judge.

CAMPBELL & STUART, INC.,
Libelant,

against

STEAMSHIP GUL DJEMAL, her engines, boilers, etc.

30

It appearing to the Court that Hussein Lutfi Bey, as master of the steamship *Gul Djemal,* by his proctors Purrington & McConnell appearing specially for the purpose of objecting to the jurisdiction of the court and to the arrest of the steamship *Gul Djemal,* and for no other purpose, has filed a special claim to said steamship and a special plea in abatement for the purposes of claiming the immunity of the said steamship from arrest and the

other purposes in the said claim mentioned, and has filed 31
exceptions to the libel on the ground that the steamship *Gul Djemal* is immune because she is, and at the time of her arrest under process herein was, in the possession of and owned by the Turkish Government, and, among other prayers, has prayed that if the libelant herein desires to contest the facts set forth in the said claim, the libelant be required within seven days from the filing of the said claim to file a traverse thereof, or be forever foreclosed from challenging the facts therein stated, and after hearing John M. Woolsey of Counsel appearing specially in support of the prayers thereof and George 32
S. Brengle in opposition thereto.

It is now by the Court

ORDERED

1. That the said claim and exceptions be allowed to be filed without the filing of any stipulation or security for costs.

2. That if the libelant herein desires to contest the sufficiency of the allegations of fact set forth in said claim to constitute a ground for the immunity of said 33
steamship *Gul Djemal* from the process of this Court or to challenge the truth of the facts therein set forth, the libelant is required, within seven days from the service of a copy of this order and of said special claim and exceptions on the said libelant or its proctors, to except, demur or otherwise plead to said special claim, failing which the libelant shall be forever foreclosed from challenging the facts in said claim stated.

34 3. That all proceedings herein be stayed pending a hearing, decision and order or decree on any issues of law or fact which may be raised by said claim and any exception, demurrer or plea thereto which the libelant may make.

4. That the time of the steamship *Gul Djemal* to answer or otherwise plead to the libel herein be, and it hereby is, extended for a period of 20 days after decision on said hearing and entry of order or decree thereon.

35 5. That any hearing to be had on the said claim and the issues which are to be raised by any traverse thereto shall be heard in open Court before one of the Judges of this Court, and that on the said hearing the evidence shall be strictly limited to the issues which are raised with regard to the questions of ownership and possession of the said steamship and of her immunity from the process of this Court.

JOHN C. KNOX,
U. S. D. J.

36

37

Special Claim and Exception to the Writ and Special Plea in Abatement.

UNITED STATES DISTRICT COURT,

SOUTHERN DISTRICT OF NEW YORK.

CAMPBELL & STUART, INC.,
Libellant,

against

S.S. "GUL DJEMAL", her engines, boilers, etc

38

And now comes Hussein Lutfi Bey, intervening and appearing specially as master of the steamship *Gul Djemal* for the interests of the Turkish or Ottoman Government, in the said steamship *Gul Djemal,* etc. as the same are arrested or attached by the Marshal under process of this Court at the instance of CAMPBELL & STUART, INC., for the purpose of objecting to the arrest, seizure and detention of the said steamship *Gul Djemal* under writs of arrest which have been issued herein, solely for the purpose of claiming immunity from arrest for the said steamship, on the ground that the said steamship *Gul Djemal* is owned by and in the exclusive possession of the Turkish or Ottoman Government a Foreign Sovereign at peace with the United States and in the service of the Turkish Government and under its exclusive direction and control.

39

40 And the said Hussein Lutfi Bey avers:

1. That he is and at the time of said arrest was the master of the said steamship *Gul Djemal*, etc.

2. That, at the time of the arrest of said steamship, he was, and still is, employed and paid by the Turkish Government.

3. That at the time of said arrest he was in lawful possession of the said steamship *Gul Djemal* as master and agent and representative of the Turkish Government.

41

4. That the Turkish or Ottoman Government is the true and *bona fide* owner of the said steamship and is now and at all the times mentioned in the libel and at the time of the issuance of process herein and of the arrest of the *Gul Djemal* under process of this Court a Foreign Sovereign at peace with the United States.

5. That no other person, corporation or government is the owner thereof, and

6. That as master he is the true and lawful bailee of
42 the said steamship as representative and agent of the Turkish Government and, as such, entitled to the immediate possession thereof free of all liens, arrests, attachments, libels or claims;

WHEREFORE he prays to be admitted to file his claim solely for the purpose hereinabove mentioned without filing any stipulation or security for costs.

AND FOR EXCEPTIONS to the jurisdiction of this Court by the said Writ of Arrest or Attachment and proceedings had thereon and as a special plea in abatement herein, the special claimant respectfully avers: 43

1. That at the time when the process was served upon the said steamship *Gul Djemal* she was, and is now, a vessel owned by and in the exclusive possession of the Turkish or Ottoman Government and under its exclusive direction and control, and

2. That the said Turkish or Ottoman Government is a Foreign Sovereign with whom the United States is now, and at all the times mentioned in the libel, and at the time of the issuance of process herein and of the arrest of the steamship *Gul Djemal* under process of this Court was at peace. 44

WHEREFORE this claimant and exceptant appearing specially solely for the purpose and reasons as above stated alleges,

That the steamship *Gul Djemal* is, and should be declared, immune from arrest under process of this court for the reasons hereinabove stated, namely, that at time of the arrest that she was and is now owned by and in exclusive possession of a foreign Sovereign Government at peace with the United States, 45

And prays

1. That the court will quash the said writ of arrest or attachment and the process issued thereunder, and release the steamship *Gul Djemal* at once from the arrest or attachment and from the custody of the Marshal and deliver her to this special claimant; or

46 2. That if the libelant herein desires to contest any question of law hereby raised or any of the facts herein set forth, the libelant be required within seven days from the filing hereof to file a traverse hereof or be forever foreclosed from challenging the facts herein stated.

3. That all proceedings herein be stayed pending a hearing on the issues of the ownership and possession of the said steamship and any other issues hereinabove raised, and that such hearing be limited to such issues only.

47 4. That this special claimant be not required to file any stipulation or other security for costs herein, and

5. That this special claimant have such other or further relief as may be just in the premises.

HUSSEIN LUFTI BEY

Master appearing and claiming specially for the purposes above named only and for no other purposes whatsoever.

Subscribed and sworn to before me this 26th day of January, 1921.

JAMES D. BROWN

48 Notary Public, New York County,
County Clerk's No. 623 Register's No. 1651

(Seal)

PURRINGTON & MCCONNELL,

Proctors for Hussein Lutfi Bey, appearing specially for the purposes of objecting to the jurisdiction of the Court and to the arrest of the steamship *Gul Djemal* as above stated, and for no other purpose.

49

Exception to the Special Claim, etc.

UNITED STATES DISTRICT COURT,

SOUTHERN DISTRICT OF NEW YORK.

CAMPBELL & STUART, INC.,
Libellant,

against

S.S. "GUL DJEMAL", her engines, boilers, etc.

50

To the Honorable, the Judges of the District Court of the United States for the Southern District of New York:

The exception of Campbell & Stuart, Inc., libellant, to the Special Claim and Exception to the Writ and Special Plea in Abatement of Hussein Lutfi Bey, alleges as follows:

That it is alleged in the Special Claim and Exception to the Writ and Special Plea in Abatement that the Steamship *Gul Djemal* is owned and possessed by the Turkish or Ottoman Government. 51

As an exceptive allegation:

That the Turkish or Ottoman Government has heretofore and before the filing of the Libel herein severed diplomatic relations with the United States of America; that said diplomatic relations between the said Turkish

52 or Ottoman Government and the United States of America have not since been resumed; and that the property of the Turkish or Ottoman Government is not entitled to immunity as prayed for.

WHEREFORE, the libellant prays that the Exception to the Writ and the Special Plea in Abatement may be dismissed, and the libellant further prays that, if the said Claim, Exception and Special Plea are not dismissed, libellant may be granted leave to answer said Claim, Exception and Special Plea.

53 BARKER, DONAHUE, ANDERSON & WYLIE,
Proctors for the Libellant,
Office & P. O. Address,
27 William Street,
New York City.

54

55

Motion for Release of Steamship from Arrest or Attachment Herein.

UNITED STATES DISTRICT COURT,

SOUTHERN DISTRICT OF NEW YORK.

CAMPBELL & STUART, INC.,
Libellant,

against

S.S. "GUL DJEMAL", her engines, boilers, etc.

56

Sirs:

PLEASE TAKE NOTICE that on the special claim and exception to the writ and the special plea in abatement heretofore filed herein by Hussein Lutfi Bey, master of the steamship *Gul Djemal*, appearing specially for the purposes stated in said special claim and for no other purposes, and the exception and exceptive allegation of the 57
libellant thereto, we shall on Thursday, February 10th, 1921, at the Chambers of the Honorable John C. Knox, United States District Judge for the Southern District of New York, at 2 o'clock P. M., or so soon thereafter as counsel may be heard, move—

1. That the steamship *Gul Djemal* be formally released from seizure.

58 2. That process against the said vessel as the same is issued by this Court at the instance of Campbell & Stuart, Inc., be quashed.

3. That the said steamship *Gul Djemal* be declared immune from arrest under process of this Court because she is a vessel owned by and under the direction and control and in the exclusive possession of the Turkish or Ottoman Government, a foreign sovereign at peace with the United States.

59 4. That the said vessel be delivered to this special claimant as master thereof in the employ of the Turkish or Ottoman Government.

5. That this special claimant shall have such other or further relief as may be just in the premises.

PURRINGTON & MCCONNELL,
Proctors for Hussein Lutfi Bey, appearing specially for the purpose of objecting to the jurisdiction of this Court and to the arrest of the steamship *Gul Djemal*
60 under writ of this Court and for no other purpose.

61

Order Denying Motion for Release.

At a Special Term of the United States District Court for the Southern District of New York, held in the Court Rooms thereof, U. S. Post Office Building, in the Borough of Manhattan, City of New York, on the 19th day of February, 1921.

Present—Honorable John C. Knox,
United States District Judge.

62

Campbell & Stuart, Inc.,
Libellant,

against

S.S. "Gul Djemal", her engines, boilers, etc.

63

On reading the special claim and exception to the writ and special plea in abatement of Hussein Lutfi Bey, master of the steamship *Gul Djemal;* the order allowing the filing of same, dated January 26th, 1921; and the exception or traverse of the libellant thereto; and the notice of Purrington & McConnell, proctors for Hussein Lutfi Bey, appearing specially for the sole purpose of objecting to the jurisdiction of this court and to the arrest of the steamship *Gul Djemal* under writ of this court, and for no other purpose, filed February 10th,

64 1921; and after hearing John M. Woolsey, Esq., of counsel, appearing specially in support of the special claim and exception to the writ and special pleas in abatement and the prayers thereof and for the motion to release the *Gul Djemal* from arrest or attachment herein and Harold V. Amberg, Esq., of counsel, in opposition thereto, and upon all the proceedings heretofore had herein, it is, now

BY THE COURT ORDERED:

65 I. That the motion for the release of the steamship from arrest or attachment herein be, and it is hereby denied; and

II. That the exception to the special claim and exception to the writ and special plea in abatement be, and it is hereby sustained; and further

III. That, as a petition is about to be presented by the master of the steamship *Gul Djemal*, specially appearing, to the United States Supreme Court at Washington for a writ of prohibition and/or mandamus, to this
66 court herein, all proceedings against the steamship *Gul Djemal*, her owner, master, etc. be stayed until the hearing and determination upon the said writ or writs by the United States Supreme Court, and the receipt by the District Court of a mandate thereon, provided that if such application is not made to the Supreme Court on or before Monday, March 7, 1921, this stay shall not continue except on good cause shown.

JNO. C. KNOX,
U. S. D. J.

67

Stipulation for Value
Entered into Pursuant to the Rules and Practice
of this Court.

DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF NEW YORK.

Filed and recorded the day of , 1921.

68

WHEREAS, a libel was filed on the 2nd day of December, 1920 by Campbell & Stuart, Inc., as libellant, against the steamship *Gul Djemal*, for the reasons and causes in the said libel mentioned; and whereas the said vessel is in the custody of the Marshal under process issued herein:

And, Whereas, a special claim to the vessel and an exception to the writ and a special plea in abatement to the libel has been filed by Hussein Lutfi Bey, as master of the steamship *Gul Djemal*, appearing specially for 69
the special and sole purpose of claiming the immunity of the steamship *Gul Djemal* on the ground that she is owned by and in the possession of the Turkish Government and of objecting for that reason to the jurisdiction of this Court and to the arrest of the said steamship under the writ of this Court and for no other purpose, and the value of the said steamship herein having been fixed in the sum of $375.50 for the purpose of bonding

in this suit as appears by the stipulation at the foot hereof, and the Indemnity Insurance Company of North America hereby consenting and agreeing that unless it is finally decided by this Court, and/or any Appellate Court and/or the Supreme Court of the United States, that the steamship *Gul Djemal* is immune from the process of this Court and the special plea in abatement is sustained in case of default or contumacy on the part of the said Hussein Lutfi Bey, special claimant aforesaid, and/or in the case of default or contumacy on the part of the stipulator, Indemnity Insurance Company of North America, in regard to any of the conditions and/or agreements of this stipulation, execution for the above agreed amount with interest thereon from this date may issue against its goods, chattels and lands.

And, Whereas, in the event that this Court, or an Appellate Court, or the Supreme Court shall decide, by a final decision, that the libellant may proceed against the said steamship *Gul Djemal*, the special claimant and/or his stipulator do hereby jointly and severally agree to file, immediately after such decision, a general claim for the defense of this suit, and the special claimant and/or his stipulator do hereby jointly and severally agree that in default of filing such claim, their default and the default of each of them may be taken upon ten (10) days' notice in writing to the present proctors for the claimant; provided nothing in this clause contained to be construed as preventing the special claimant from insisting upon the immunity of the said steamship up to such time as the immunity question herein shall have been decided by this Court and/or by any Appellate Court and/or by the Supreme Court by a final decree.

Now, Therefore, the condition of this stipulation is 73
such that (1) if the steamship *Gul Djemal* is finally held to be immune from process of this Court by this Court and/or by any Appellate Court and/or by the Supreme Court of the United States, (2) or if the special claimant herein and the Indemnity Insurance Company of North America, having an office and principal place of business at #122 William St., Borough of Manhattan, in the City of New York, the undersigned hereon, abide by all the orders of the Court, interlocutory or final, and pay the amount awarded by the final decree rendered by this Court, or by any Appellate Court, if an appeal 74
intervene, with interest, then this stipulation to be void, otherwise to remain in full force and virtue.

H. LUTFI,
As Master of the Steamship *Gul Djemal* appearing specially for the purpose of claiming immunity and for no other purpose.

Taken and acknowledged this
day of April, 1921,
before me.

75

Minnesota ... St. Paul, Minn.

76

INDEMNITY INSURANCE COMPANY OF NORTH AMERICA

By GEO. H. SCHNEIDER,
Resident Vice President.

Attest: E. M. MCCARTHY, . .
Resident Assistant Secretary.

The value of the said vessel is hereby fixed for the purpose of bonding in this suit at the sum of $375.50 and the foregoing stipulation is approved as to form, amount
77 and sufficiency of surety.
New York, April 18th, 1921.

BARKER, DONAHUE, ANDERSON & WYLIE,
Proctors for Libellant.

INDEMNITY INSURANCE COMPANY OF NORTH AMERICA

AFFIDAVIT, ACKNOWLEDMENT AND JUSTIFICATION BY
78 GUARANTEE OR SURETY COMPANY

STATE OF NEW YORK }
County of New York } SS.:

On this 14th day of April one thousand nine hundred and twenty-one before me personally came GEO. H. SCHNEIDER, known to me to be the Resident Vice-President of the INDEMNITY INSURANCE COMPANY OF NORTH AMERICA, the corporation described in and which executed

the within and foregoing Bond of HUSSEIN LUTFI BEY, 79
Claimant of *s. s. Gul Djemal* as a surety thereon, and who, being by me duly sworn, did depose and say that he resides in the City of NEW YORK, State of NEW YORK; that he is the Resident Vice-President of said Company, and knows the corporate seal thereof; that the said INDEMNITY INSURANCE COMPANY OF NORTH AMERICA, is duly and legally incorporated under the laws of the State of Pennsylvania; that said Company has complied with the provisions of the Act of Congress of August 13th, 1894; that the seal affixed to the within Bond of HUSSEIN LUTFI BEY, Claimant of *s. s. Gul Djemal* is the corporate seal 80
of said INDEMNITY INSURANCE COMPANY OF NORTH AMERICA, and was thereto affixed by the order and authority of the Board of Directors of said Company; that he signed his name thereto by like order and authority as Resident Vice-President of said Company; that he is acquainted with E. M. MCCARTHY and knows him to be the resident Assistant Secretary of said Company; that the signature of said E. M. MCCARTHY subscribed to said Bond is in the genuine handwriting of said E. M. MCCARTHY, and was thereto subscribed by order and authority of said Board of Directors; and in the presence of said deponent; that 81
the assets of said Company, unencumbered and liable to execution, exceed its debts and liabilities of every nature whatsoever, by more than the sum of One Million Five Hundred Thousand ($1,500,000) Dollars.

82 That WM. A. THOMPSON is the agent to acknowledge service for said Company in the Judicial District wherein this bond is given.

GEO. H. SCHNEIDER.

Sworn to, acknowledged before me, and subscribed in my presence this 14th day of April, 1921.

CHARLES J. KOCH,
Notary Public, for Kings County, No. 41
Certificate filed in New York County,
No. 98.

83 Indemnity Insurance Company
Seal of North America
Incorporated Pennsylvania
1920

(Cover stamped) U. S. District Court
Filed
Apr. 25th, 1921.
S. D. of N. Y.

84

Claim of Hussein Lutfi Bey, Master of S.S. "Gul Djemal." 85

UNITED STATES DISTRICT COURT,

SOUTHERN DISTRICT OF NEW YORK.

CAMPBELL & STUART, INC.,
Libellant,

against

S.S. "GUL DJEMAL", her engines, boilers, etc. 86

And now comes Hussein Lutfi Bey, intervening and appearing as master of the steamship *Gul Djemal* for the interests of the Turkish or Ottoman Government, in the said steamship *Gul Djemal,* etc., as the same are arrested or attached by the Marshal under process of this Court at the instance of Campbell & Stuart, Inc., and appears before this Honorable Court and makes claim to the steamship *Gul Djemal,* her engines, boilers, etc., as the 87
same are proceeded against in this Court at the instance of Campbell & Stuart, Inc., and that as master he is the true and lawful bailee of the said steamship as representative and agent of the Turkish Government and, as such, entitled to the immediate possession thereof free of all liens, arrests, attachments, libels or claims:

WHEREFORE, he prays to defend accordingly, without prejudice to the claim of immunity of the *Gul Djemal* from

88 suit heretofore asserted, and herein now reasserted by the Turkish Government, a foreign sovereign.

HUSSEIN LUTFI BEY,
Master of s.s. *Gul Djemal.*
By FRANK J. MCCONNELL,
Proctor for Claimant.

Subscribed and sworn to before me
this 19th day of November, 1921.
JAMES D. BROWN,
Notary Public,
89 New York County.
County Clerk's No. 493.
Register's No. 3278.
(Seal)

STATE OF NEW YORK,
County of New York, } ss.:

FRANK J. MCCONNELL, being duly sworn, deposes and says:

That he is one of the proctors for the claimant herein; that he has read the foregoing claim and knows the
90 contents thereof; that from statements and affidavits made to him by Captain Hussein Lutfi Bey, deponent believes that the said claim is true; that the reason why this affidavit is made by deponent and not by claimant, is because claimant, representing the Turkish Government, is now in Constantinople, Turkey, and that prior to his departure Captain Hussein Lutfi Bey requested deponent to take any and all steps to protect his interests or the interests of the Turkish Government and the Ad-

ministration Seire-Seffain, and to sign any and all documents on his behalf, necessary to effect that end. 91

FRANK J. McCONNELL.

Sworn to before me this 19th day of November, 1921.
JAMES D. BROWN,
Notary Public,
New York County.
County Clerk's No. 493.
Register's No. 3278.
(Seal)

92

Answer of Hussein Lutfi Bey.

To the Honorable the Judges of the United States District Court for the Southern District of New York:

The answer of Hussein Lutfi Bey, Master and Claimant of the Turkish Government steamship *Gul Djemal,* claiming the vessel on behalf of her owner, and Administration Seire-Seffain, an integral part of the Turkish Government, and a branch of the Ministry of Marine, to the libel and complaint of CAMPBELL AND STEWART, INC., in an alleged cause of contract, civil and maritime, alleges and respectfully shows to this Honorable Court as follows: 93

FIRST: Claimant denies that the steamship *Gul Djemal* is within the admiralty and maritime jurisdiction of this Honorable Court, as is alleged in Article First

94 of the libel. Claimant admits the other allegations of Article First of the libel contained.

SECOND: Claimant admits the allegations in Article Second of the libel contained.

THIRD: Claimant admits the allegations in Article Third of the libel contained.

FOURTH: Claimant denies that the steamship *Gul Djemal* belongs to the port of Piraeus, Greece. Claimant admits the other allegations in Article Fourth of the
95 libel contained.

FIFTH: Claimant denies the admiralty and maritime jurisdiction of this Honorable Court and further denies that all and singular the premises of the libel, except as they are expressly admitted herein, are true, as alleged in the Fifth Article thereof.

SIXTH: Further answering the said libel, claimant alleges that the steamship *Gul Djemal* is and at all the times mentioned in the libel was immune from seizure under process of this Court, as a vessel owned, manned,
96 operated by and in the possession of the Turkish or Ottoman Government, being operated by the Administration Seire-Seffain, through the Ministry of the Marine, an integral branch of the Turkish Government, the Administration Seire-Seffain also being attached to the Ministry of War; and that said vessel is not subject to the jurisdiction of this Honorable Court, because of her ownership by the Turkish or Ottoman Government, a foreign sovereign government at peace with the government

of the United States of America, and that by reason thereof, this Court is without jurisdiction to proceed in this cause. 97

SEVENTH: All and singular the premises are true.

WHEREFORE: Claimant, prays that the libel herein be dismissed with costs.

PURRINGTON & MCCONNELL,
Proctors for Hussein Lutfi Bey, Claimant,
52 Wall Street,
New York City. 98

STATE OF NEW YORK, }
County of New York, } ss.:

FRANK J. MCCONNELL, being duly sworn, deposes and says:

I am a member of the firm of Purrington & McConnell, proctors for the claimant herein. I have read the foregoing answer and know the contents thereof and the same is true of my own knowledge except as to the matters therein stated to be alleged on information and belief and as to those matters I believe it to be true. 99

The sources of my information and the grounds for my belief as to the matters therein stated to be alleged on information and belief, are interviews with the master of the s.s. *Gul Djemal* and cablegrams from the Director of the Administration Seire-Seffain at Constantinople.

The reason why this verification is made by me and not by the claimant, is because the latter is the repre-

100 sentative of the Turkish Government, and now is in Turkey.

FRANK J. McCONNELL.

Sworn to before me this 19th day of November, 1921.
JAMES D. BROWN,
Notary Public,
New York County.
County Clerk's No. 493.
Register's No. 3278.
(Seal)

101

Stipulation of Facts.

UNITED STATES DISTRICT COURT,

SOUTHERN DISTRICT OF NEW YORK.

CAMPBELL & STUART, INC.,
Libellant,

against

102

The S.S. "GUL DJEMAL", her engines, boilers, etc.

WHEREAS, since the proceedings heretofore had, in the District Court for the Southern District of New York, and in the Supreme Court of the United States, arising out of libels filed in this and other actions against the steamship *Gul Djemal*, the depositions *de bene esse* of

Hussein Lutfi Bey, master of the *Gul Djemal* and claimant herein, Socrates Gabrielides, Ali Raghib, Nahib Souliman, Moustafa Nazim and Souliman Gadri have been taken herein, and voluminous documents have been marked in evidence during the taking of said depositions; and 103

WHEREAS, proctors for the parties have agreed, for the purpose of saving expense, to enter into a stipulation as to the facts developed by said depositions, in respect of the status and control of the *Gul Djemal,* and as to other facts of which this Court has heretofore taken judicial notice; 104

NOW, THEREFORE,

IT IS STIPULATED by and between the libellant and said claimant, by their respective proctors:

FIRST: That at all the times mentioned in the libel herein, and at the time of the arrest of the *Gul Djemal,* the *Gul Djemal* was owned by the Turkish or Ottoman Government, that it flies the Turkish flag; that Turkey has but one flag, for both national and commercial uses; 105 that it is registered in the name of Seire-Seffain Administration; that the *Gul Djemal* is the absolute property of the Ottoman Seire-Seffain Administration, the third division of the Ministry of Marine of the Turkish Government, which is attached to the Ministry of War; that the maritime title has been given to the Administration Seire-Seffain by the Ministry of War. Said Seire-Seffain Administration, at the times above mentioned, was (and

106 is) the Transport Section of the Ministry of Marine, and was (and is) charged with the control of transport vessels of the Turkish Government, and said vessels, (of which the *Gul Djemal* was one) which are capable of commercial uses, are, when not used as transports, used in commerce; whether such vessels are used as transports or in commerce is subject to the direction of the Ministry of Marine, which, through departments other than the Seire-Seffain has charge of battleships, artillery, torpedos, wireless, and engineering work pertaining to all the vessels of the Turkish Navy; that the *Gul Djemal* was
107 transferred for operation to the Administration Seire-Seffain from the Ministry of War in 1914 and has since been under the control of Administration of Seire-Seffain.

Said Seire-Seffain Administration, at the times above mentioned, had (and has), as its head, a military officer of the Turkish Government, in the active or reserve service of the Turkish Government, and said head must be, at all times, a military officer in the employ of the Turkish Government, the Seire-Seffain Administration being charged with the transport of troops, and at all the times
108 above mentioned, said head of the Seire-Seffain Administration was a Colonel; although said head of the Seire-Seffain Administration, at the times above mentioned, was, in respect of the *Gul Djemal*, not functioning in a military or naval capacity.

Second: That at all the times mentioned in the libel herein, and at the time of the arrest of the *Gul Djemal*, the *Gul Djemal* was in the possession of the Turkish Government, being manned by a master, officers and crew em-

ployed by or under the direction of said Seire-Seffain Administration, and paid by the Treasury Department of the Turkish Government through the Administration Seire-Seffain; said master, at the times above mentioned, was (and is) a reserve officer in the Turkish Navy employed by the branch of the Ministry of Marine known as the Administration Seire-Seffain, and the navigating officer was a Lieutenant in the active service of the Turkish Navy, both detailed by the said Ministry of Marine to serve on the *Gul Djemal* during the times above mentioned, but in such service they were not performing any naval or military functions, although they were subject to any orders from the department of the Turkish Government charged with naval or military affairs; the other officers and entire crew of the *Gul Djemal*, during the times above mentioned, were civilians, paid by the Turkish Government. 109 110

THIRD: That at all the times mentioned in the libel herein, and at the time of the arrest of the *Gul Djemal*, the *Gul Djemal* was engaged in commercial trade, under charter for one round voyage to George Dedeoglou, who engaged to carry passengers and goods for hire, and in such trade the *Gul Djemal* was not functioning in a naval or military capacity, nor was there anything of a naval or military character connected with the voyage of the *Gul Djemal* from Constantinople to New York and return. 111

FOURTH: That the Turkish Government, prior to the time mentioned in the libel herein, had severed diplomatic relations with the United States of America, ad-

112 vising its peoples by proclamation, however, that American institutions should not be molested but should be treated as heretofore; that said diplomatic relations have not been resumed; although the United States of America maintains unofficial relations with the Turkish Government by American Consular representatives, and through the medium of a High Commissioner; that during said period of the severad relations, the Spanish Ambassador to the United States has represented, and still represents, Turkish interests in the United States, and has been recognized as such representative by the Department of
113 State of the United States of America.

FIFTH: That the Turkish or Ottoman Government, and the Government of the United States of America, are sovereign governments, and were at all the times mentioned herein, at peace with each other, although the Turkish or Ottoman Government was and is an ally of the enemy of the United States in the World War.

BAKER, DONAHUE, ANDERSON & WYLIE,
Proctors for Libellant.

114 PURRINGTON & MCCONNELL,
Proctors for Claimant.

115

Opinion of Knox, D. J.

UNITED STATES DISTRICT COURT,

SOUTHERN DISTRICT OF NEW YORK.

CAMPBELL & STUART, INC.,
Libelant,

against

The S/s GUL DJEMAL, her engines, boilers, etc.

116

BARKER, DONAHUE, ANDERSON & WYLIE
(HARRINGTON, BIGHAM & ENGLAR, of Counsel),
for Libelant;

PURRINGTON & MCCONNELL,
for Claimant.

KNOX, D. J.: Since this litigation was before me the proctors for the respective parties have entered into a stipulation of facts, of which the following two paragraphs are a part: 117

> "THIRD:—That at all the times mentioned in the libel herein, and at the time of the arrest of the *Gul Djemal*, the *Gul Djemal* was engaged in commercial trade, under charter for one round voyage to George Dedeoglou, who engaged to carry passengers and goods for hire, and in such

118 trade the *Gul Djemal* was not functioning in a naval or military capacity, nor was there anything of a naval or military character connected with the voyage of the *Gul Djemal* from Constantinople to New York and return.

"Fourth:—That the Turkish Government" (which owned the *Gul Djemal* and had on board a master, officers and crew employed by or under direction of Seire-Seffain Administration, and paid by the Treasury Department of the Turkish Government through the Administration Seire-Seffain, a branch of the Ministry of Marine) "prior to the time mentioned in the libel herein,
119 had severed diplomatic relations with the United States of America, advising its peoples by proclamation, however, that American institutions should not be molested but should be treated as theretofore; that said diplomatic relations have not been resumed; although the United States of America maintains unofficial relations with the Turkish Government by American Consular representatives, and through the medium of a High Commissioner; that during said period of the severed relations, the Spanish Ambassador to the United States has represented, and still repre-
120 sents, Turkish interests in the United States, and has been recognized as such representative by the Department of State of the United States of America."

Upon the facts so stipulated I now definitely hold that the "Gul Djemal" was not immune from seizure upon process issued at the instance of libelant.

Were I to follow my own inclination I should not amplify this declaration, and would sign the interlocutory decree submitted by libelant. Proctors for claim-

ant, however, have requested that I give some further 121
expression of my reasons for holding the vessel. Being perhaps under some obligation to furnish counsel with a target at which to direct their fire in the appellate court, I shall briefly comply with their request. In so doing I am greatly aided by the able opinion filed by Judge Mack in Luzzato & Sons *v.* S. S. "Pesaro" upon October 1, 1921. Judge Mack there said:—

> "If, as I believe, sound principles of admiralty jurisprudence require that a ship be treated as an entirety separate and distinct from her owner, the immunity of a public ship should depend primarily 122
> not upon her ownership but upon the nature of the service in which she is engaged and the purpose for which she is employed. That is a distinction or standard towards which Bynkershoek, Marshall and Stowell tended and in favor of which there is not only the specific authority of Story and Phillimore but the force of judicial analogy and the requirements of modern economic life."

Further on in the opinion it was said:—

> "To deprive parties injured in the ordinary course of trade of their common and well established legal remedies would not only work great 123
> hardship on them, but in the long run it would operate to the disadvantage and detriment of those in whose favor the immunity might be granted. Shippers would hesitate to trade with government ships, and salvors would run few risks to save the property of friendly sovereigns, if they were denied recourse to our own courts and left to prosecute their claims in foreign tribunals in distant lands."

124 There is little or nothing that I can add to what has been quoted, and which, to me, is quite sufficient for the purposes of the present decree. I will, however, observe that in my judgment a government which makes it possible, as here, for an individual, who is hedged about with no special immunities or prerogatives, to use sovereign property for purposes of trade and commerce, and in competition with that of private owners, has brought itself squarely within the declaration of the Supreme Court in Bank of U. S. *v.* Planters' Bank of Georgia, 9 Wheaton, 904, where it was said, "It is, we think, a sound principle
125 that when a government becomes a partner in any trading company, it divests itself, so far as concerns the transactions of that company, of its sovereign character and takes that of a private citizen. Instead of communicating to the company its privileges and prerogatives, it descends to a level with those with whom it associates and to the business which is to be transacted." The existing immunities and prerogatives of governments are all but too extensive, and the one here claimed should not be permitted to destroy, as it would, the basic principle that in trade and commerce there should be for the per-
126 sons engaged therein a fair field and no favors. So much for the facts disclosed by paragraph "Third" of the stipulation.

But irrespective of what has already been said, I am of opinion that at the time of the seizure of the *Gul Djemal* she enjoyed no immunity from such restraint, inasmuch as diplomatic relations between the United States and Turkey were then severed, and that, therefore, the comity and courtesy due from this country to Turkey did not, in the absence of appropriate sug-

gestion from the state department of this Government, require the extension of such immunity. As for my reasons for so holding I do not care to augment what I have previously said upon the subject in my memorandum of January 3, 1921. 127

Decree for libelant signed.

January 7, 1922.

JNO. C. KNOX
U. S. D. J.

Final Decree. 128

At a Stated Term of the United States District Court held in and for the Southern District of New York, at the Court Rooms thereof, in the Post Office Building, Borough of Manhattan, City of New York, on the 19th day of April, 1922.

Present: Honorable JOHN C. KNOX, District Judge.

CAMPBELL & STUART, INC., Libellant, 129

against

STEAMSHIP "GUL DJEMAL", her engines, boilers, etc.

A verified libel having been filed herein on the 15th day of Dec. 1920, claiming damages in the sum of Three Hun-

dred Seventy-five and 50/100 ($375.50) Dollars, with interest thereon from November 1, 1920, for supplies, labor and materials furnished to the S. S. *Gul Djemal,* and the claimant of said Steamship having, on or about November 18, 1921, filed its answer to said libel, admitting that said sum is due libellant, but denying that the said Steamship is within the Admiralty and Maritime jurisdiction of this Court and alleging that the said Steamship is immune from its process, and the respective parties having at the same time stipulated the facts of the case, and the action having duly come on for trial on the pleadings, proofs and stipulations of the respective parties, and after hearing the respective advocates, and due deliberation having been had, and the Court having rendered its decision that the steamship *Gul Djemal* is not, and at the times mentioned in the libel was not immune from seizure under process of this Court, and having rendered its decision, at the end of the trial, in favor of the libellant and against the steamship *Gul Djemal,* its claimants and stipulators, with costs, it is Now, on motion of Barker, Donahue, Anderson & Wylie, proctors for the libellant,

ORDER, ADJUDGED AND DECREED that the libellant herein recover of and from the steamship *Gul Djemal,* her claimants and stipulators, the amount of its damages arising out of the matters set forth in the libel herein, amounting to the sum of Three Hundred Seventy-five and 50/100 ($375.50) Dollars with interest thereon from November 1, 1920 to the date of the entry of this decree, amounting to the sum of $33.00 together with costs as taxed in the sum of $38.30 amounting in all to the sum of $446.80, with interest upon said sum from the date of the entry of this de-

cree until paid, and that the said vessel be condemned and 133
sold therefor.

JNO. C. KNOX,
U. S. D. J.

We hereby waive notice of the entry of the foregoing Decree.
Dated, New York, April 18th, 1922.

PURRINGTON & MCCONNELL,
Proctors for Claimant.

134

Petition for Appeal and Allowance.

UNITED STATES DISTRICT COURT,

SOUTHERN DISTRICT OF NEW YORK.

CAMPBELL & STUART, INC.,
Libellant,

against

S.S. "GUL DJEMAL", her engines, boilers, etc. 135

Hussein Lutfi Bey, as Master of the S.S. *Gul Djemal,* owned, manned, operated by and in the possession of the Turkish or Ottoman Government, appearing herein for the interests of the Turkish or Ottoman Government, said owner of the S.S. *Gul Djemal,* and

specially for the purpose of claiming immunity and for no other purpose, conceiving himself aggrieved by the final decree made and entered on the 19th day of April, 1922, in the above entitled cause, does hereby appeal from said decree to the Supreme Court of the United States, for the reasons specified in the assignment of errors, which is filed herewith, and prays that this appeal may be allowed, and that a transcript of the record, proceedings, and papers upon which said decree was made, duly authenticated, may be sent to the Supreme Court of the United States.

Dated, this 22nd day of June, 1922.

PURRINGTON & MCCONNELL,
Proctors for Claimant,
Office & Post Office Address,
No. 52 Wall Street,
New York City.

The foregoing claim of appeal is allowed.

Dated, June 23, 1922.

JNO. C. KNOX,
Judge of the United States District Court for the Southern District of New York.

139

Assignment of Errors.

UNITED STATES DISTRICT COURT,

SOUTHERN DISTRICT OF NEW YORK.

CAMPBELL & STUART, INC.,
Libellant,

against

S.S. "GUL DJEMAL", her engines, boilers, etc.

140

The claimant, Hussein Lutfi Bey, appearing for the purpose of claiming immunity and for no other purpose, hereby assigns error in the findings, decision and decree of the District Court herein as follows:

FIRST: In that the Court failed to hold as a matter of law that the steamship *Gul Djemal*, a vessel owned, manned, operated by and in possession of the Turkish or Ottoman Government, a foreign sovereign government at peace with the Government of the United States of America, was not subject to the Admiralty and Maritime jurisdiction of the United States District Court.

141

SECOND: In that the Court held that said steamship *Gul Djemal* was not immune from its process of arrest.

142 THIRD: In that the Court rendered a decree for the libellant.

FOURTH: In that the Court failed to dismiss the libel.

PURRINGTON & MCCONNELL,
Proctors for Claimant,
Office & Post Office Address,
No. 52 Wall Street,
New York City.

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143 **Certificate of Knox, D.J., Pursuant to Sec. 238 of the Judicial Code.**

UNITED STATES DISTRICT COURT,

SOUTHERN DISTRICT OF NEW YORK.

CAMPBELL & STUART, INC.,
Libellant,

against

144

S.S. "GUL DJEMAL", her engines, boilers, etc.

In this cause, I hereby certify that the sole question raised by the answer of the claimant herein, and the sole issue before this Court, was the jurisdiction of the Court over the steamship *Gul Djemal*, a vessel owned, manned, operated by and in the possession of

the sovereign government of Turkey, at peace with 145
the Government of the United States of America. The allegations of the libellant that it had furnished supplies to the vessel, were admitted by the claimant, whose answer set up that the vessel was immune, as a sovereign owned vessel, from the process of this Court, and that the vessel was not within the Admiralty and Martime jurisdiction of this Court. I have granted a decree for the amount prayed for by the libellant, and have denied immunity to the vessel because at the time the cause of action and liability on which the libel is founded were created, and at the time the vessel was seized under 146
process of this Court, she was, although owned, manned, by and in the possession of the sovereign government of Turkey, engaged in commercial trade, under charter for hire to a private trader; and furthermore, because diplomatic relations between the United States and Turkey were then severed and no appropriate suggestion was filed from the State Department of the United States.

This certificate is made conformably to Judicial Code, Section 238, and my opinion filed herein is made a part of the record, and will be certified and sent up as a part 147
of the proceedings, together with this certificate.

This 23rd day of June, A. D. 1922.

Jno. C. Knox,
Judge of the District Court of the
Southern District of New York.

148

Stipulation As to Record.

UNITED STATES DISTRICT COURT,

SOUTHERN DISTRICT OF NEW YORK.

CAMPBELL & STUART, INC.,
Libellant,

vs.

149 STEAMSHIP "GUL DJEMAL, her engines, boilers, etc.

IT IS HEREBY STIPULATED AND AGREED, that the foregoing is a true transcript of the record of the said District Court in the above-entitled matter as agreed on by the parties.

Dated, July 20, 1922.

BARKER, DONAHUE, WYLIE & ANDERSON,
Proctors for Libellant.

150 PURRINGTON & McCONNELL,
Proctors for Claimant.

151

Clerk's Certificate.

UNITED STATES OF AMERICA,
Southern District of New York, } ss.:

CAMPBELL & STUART, INC.,
Libellant,

vs.

STEAMSHIP "GUL DJEMAL, her engines, boilers, etc.

152

I, ALEXANDER GILCHRIST, JR., Clerk of the District Court of the United States of America for the Southern District of New York, do hereby certify that the foregoing is a correct transcript of the record of the said District Court in the above-entitled matter as agreed on by the parties.

IN TESTIMONY WHEREOF, I have caused the seal of the said Court to be hereunto affixed, at the City of New York, in the Southern District of New York, this twentieth day 153
of July, in the year of our Lord one thousand nine hundred and twenty-two and of the Independence of the said United States the one hundred and forty~~-first~~ Fourth.

ALEX. GILCHRIST, JR.,
Clerk.

Endorsed on cover: File No. 29,042. S. New York D. C. U. S. Term No. 492. Steamship "Gul Djemal," her engines, boilers, etc.; Hussein Lutfi Bey, master, appellant, vs. Campbell & Stuart, Inc. Appeal from the district court U. S. for the southern district of New York. Filed July 21. 1922. File No. 29,042.

(8931)